

UNITED STATES DISTRICT COURT

for the  
Southern District of New York

EKMAN & CO. AB

*Plaintiff*

v.

GRAPHIC PAPER, INC.

*Defendant, Third-party plaintiff*

v.

U.S. BANK NATIONAL ASSOCIATION

*Third-party defendant*

Civil Action No. 10-cv-8110

SUMMONS ON A THIRD-PARTY COMPLAINT

To: *(Third-party defendant's name and address)* U.S. Bank National Association  
U.S. Bancorp Center  
800 Nicollet Mall  
Minneapolis, MN 55402

A lawsuit has been filed against defendant Graphic Paper, Inc., who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff Ekman & Co. AB.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

Gary Ettelman, Esq.  
Ettelman & Hochheiser, P.C.  
100 Quentin Roosevelt Blvd, Suite 401, Garden City, NY 11530

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

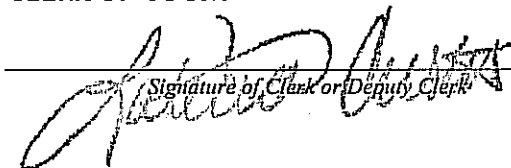
Anthony J. Costantini  
Duane Morris, LLP  
1540 Broadway, New York, NY 10036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may — but are not required to — respond to it.

Date: NOV 18 2010

RUBY I. KRAJICK  
CLERK OF COURT

  
\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 441 (Rev. 07/10) Summons on Third-Party Complaint (Page 2)

Civil Action No. 10-CV-8110

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* U.S. Bank National Association  
 was received by me on *(date)* 11/18/2010.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other *(specify)*: Service was accepted by U.S. Bank Attorney Jessica Taran by email dated  
November 23, 2010. A copy of the email is attached hereto.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 11/24/2010

  
 \_\_\_\_\_  
 Server's signature

Joshua Stern, Esq.

Printed name and title

Ettelman & Hochheiser, P.C.  
 100 Quentin Roosevelt Blvd.

Suite 401  
 Garden City, NY 11530

\_\_\_\_\_  
 Server's address

Additional information regarding attempted service, etc:

**Gary Ettelman**

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**From:** Jessica Taran [jtaran@wilkauslander.com]  
**Sent:** Tuesday, November 23, 2010 2:30 PM  
**To:** Gary Ettelman  
**Subject:** RE: Ekman v Graphic paper

Gary,

Our client authorized us to accept service.

Jessica Taran, Esq.  
Wilk Auslander LLP  
675 Third Avenue  
New York, New York 10011  
(212)421-2233  
(212)752-6380  
[jtaran@wilkauslander.com](mailto:jtaran@wilkauslander.com)

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**From:** Gary Ettelman [mailto:gettelman@e-hlaw.com]  
**Sent:** Monday, November 22, 2010 12:30 PM  
**To:** Jessica Taran  
**Subject:** Ekman v Graphic paper

Jessica:

Attached please find a courtesy copy of the interpleader pleading. Please let me know as soon as you can if the Bank will permit you to accept service of process.

Regards  
Gary

Gary Ettelman, Esq.  
Ettelman & Hochheiser, P.C.  
100 Quentin Roosevelt Blvd.  
Suite 401  
Garden City, New York 11530  
Phone: 516.227.6300

Fax: 516.227.6307

E-mail: [gettelman@e-hlaw.com](mailto:gettelman@e-hlaw.com)

Website: [www.e-hlaw.com](http://www.e-hlaw.com)

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